**Introduction to Sharia Law:**

Sharia, or Islamic law,influences the legal code in most Muslim countries. A movement to allow sharia to govern personal status law, a set of regulations that pertain to marriage, divorce, inheritance, and custody, is even expanding into the West. "There are so many varying interpretations of what sharia actually means that in some places it can be incorporated into political systems relatively easily," says [Steven A. Cook](http://www.cfr.org/bios/10266/), CFR senior fellow for Middle Eastern studies. Sharia's influence on both personal status law and criminal law is highly controversial, though. Some interpretations are used to justify cruel punishments such as amputation and stoning as well as unequal treatment of women in inheritance, dress, and independence. The debate is growing as to whether shariacan coexist with secularism, democracy, or even modernity.

**What is Sharia?**

Also meaning "path" in Arabic, sharia guides all aspects of Muslim life including daily routines, familial and religious obligations, and financial dealings. It is derived primarily from the Quran and the Sunna--the sayings, practices, and teachings of the Prophet Mohammed. Precedents and analogy applied by Muslim scholars are used to address new issues. The consensus of the Muslim community also plays a role in defining this theological manual.

Sharia developed several hundred years after the Prophet Mohammed's death in 632 CE as the Islamic empire expanded to the edge of North Africa in the West and to China in the East. Since the Prophet Mohammed was considered the most pious of all believers, his life and ways became a model for all other Muslims and were collected by scholars into what is known as the *hadith*. As each locality tried to reconcile local customs and Islam, *hadith* literature grew and developed into distinct schools of Islamic thought: the Sunni schools,Hanbali, Maliki, Shafi'i, Hanafi; and the Shiite school, Ja'fari. Named after the scholars that inspired them, they differ in the weight each applies to the sources from which sharia is derived, the Quran, *hadith*, Islamic scholars, and consensus of the community.The Hanbali school, known for following the most Orthodox form of Islam, is embraced in Saudi Arabia and by the Taliban. The Hanafi school, known for being the most liberal and the most focused on reason and analogy, is dominant among Sunnis in Central Asia, Egypt, Pakistan, India, China, Turkey, the Balkans, and the Caucasus. The Maliki school is dominant in North Africa and the Shafi'i school in Indonesia, Malaysia, Brunei Darussalam, and Yemen. Shia Muslims follow the Ja'fari school, most notably in Shia-dominant Iran. The distinctions have more impact on the legal systems in each country, however, than on individual Muslims, as many do not adhere to one school in their personal lives.

**Controversy: Punishment and Equality under Sharia**

Marriage and divorce are the most significant aspects of sharia, but criminal law is the most controversial. In sharia*,* there are [categories of offenses](http://law.jrank.org/pages/672/Comparative-Criminal-Law-Enforcement-Islam.html" \t "_blank): those that are prescribed a specific punishment in the Quran, known as *hadd* punishments, those that fall under a judge's discretion, and those resolved through a tit-for-tat measure (ie., blood money paid to the family of a murder victim). There are five *hadd* crimes: unlawful sexual intercourse (sex outside of marriage and adultery), false accusation of unlawful sexual intercourse, wine drinking (sometimes extended to include all alcohol drinking), theft, and highway robbery. Punishments for *hadd* offenses--flogging, stoning, amputation, exile, or execution--get a significant amount of media attention when they occur. These sentences are not often prescribed, however. "In reality, most Muslim countries do not use traditional classical Islamic punishments," says Ali Mazrui of the Institute of Global Cultural Studies in a [Voice of America interview](http://www.globalsecurity.org/military/library/news/2000/03/000314-nigeria1.htm" \t "_blank). These punishments remain on the books in some countries but lesser penalties are often considered sufficient.

Despite official reluctance to use *hadd* punishments, vigilante justice still takes place. Honor killings, murders committed in retaliation for bringing dishonor on one's family, are a worldwide problem. While precise statistics are scarce, the UN estimates thousands of women are killed annually in the [name of family honor (](http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html" \t "_blank)*[National Geographic](http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html" \t "_blank)*[)](http://news.nationalgeographic.com/news/2002/02/0212_020212_honorkilling.html" \t "_blank). Other practices that are woven into the sharia debate, such as female genital mutilation, adolescent marriages, polygamy, and gender-biased inheritance rules, elicit as much controversy. There is significant debate over what the Quran sanctions and what practices were pulled from local customs and predate Islam. Those that seek to eliminate or at least modify these controversial practices cite the religious tenet of *tajdid*. The concept is one of renewal, where Islamic society must be reformed constantly to keep it in its purest form. "With the passage of time and changing circumstances since traditional classical jurisprudence was founded, people's problems have changed and conversely, [there must be new thought](http://asharqalawsat.com/english/news.asp?section=3&id=13610" \t "_blank) to address these changes and events," says Dr. Abdul Fatah Idris, head of the comparative jurisprudence department at Al-Azhar University in Cairo. Though many scholars share this line of thought, there are those who consider the purest form of Islam to be the one practiced in the seventh century.

**From the reading, answer the following:**

1. What is Sharia?
2. What two areas does Sharia influence?
3. What are some “crimes” under Sharia in terms of women’s rights?
4. When did Sharia develop?
5. Define *hadith*.
6. Where are some places that Sharia law exists? Among which branch of Islam?
7. What are the five crimes under *hadd*?

1.

2.

3.

4.

5.

1. What are honor killings?
2. What is it like for women living under Sharia law?